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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/930,208	08/16/2001	Osamu Itou	H6810.0028/P028	9208		
24998	7590 12/28/2005		EXAM	EXAMINER		
	N SHAPIRO MORIN	SEFER, A	SEFER, AHMED N			
2101 L Street, NW Washington, DC 20037			ART UNIT	PAPER NUMBER		
wasiing.on,	DC 20037		2826			

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No.	Applicant(s)					
A Sefer   2826	066 4-4' 0	09/930,208	ITOU ET AL	(are)				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentors of time may be available under the provision of 30° RF1.13(b), no event, however, may a reply be finely filled  3 NO period for reply is specified above, the mentionan statutory period will exply and will expire SIX (6) MONTHS from the mailing date of this communication.  Fillius for reply within the set or centeded period for reply the government of the communication.  Fillius for reply within the set or centeded period for reply will, by bablace, seem the application to become ABANDCHOC 50 U.S.C, 9 133).  Any reply received by the Office later than these months after the mailing date of this communication.  Fillius for reply within the set or centeded period for reply. Ill. by abute, seem the application CS U.S.C, 9 133.  Any reply received by the Office later than these months after the mailing date of the communication.  **Provision of Claims**  1) Responsive to communication(s) filed on 13 October 2005.  2a) This action is FiNAL.  2b) This action is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims*  4) Claim(s) 1.2.4.5.7-24.26.28.29 and 32-51 is/are pending in the application.  4a) Of the above claim(s) 5.7-24.26.32 and 34-51 is/are withdrawn from consideration.  5b) Claim(s) 1.2.4.28 and 29 is/are rejected.  7b) Claim(s) 1.2.4.28 and 29 is/are rejected.  7c) Claim(s) 1.2.4.28 and 29 is/are rejected.  7diction of the drawing(s) filed on 15 is/are allowed.  8diction of the provision of the provision and/or election requirement.  Application Papers  9c) The drawing(s) filed on 15 is/are allowed.  8diction of the provision of the provision of the provision of the provision of the provis	Office Action Summary	Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNCATION.  Edomission of time may be available under the proxime of 3 CPR 1.13(6), in ne event, however, may a reply be timely filled after 5X (6) MONTHS from the mailing date of this communication.  Fallute for proxy within the set or adulted after the communication of the communication of the proxy with the set or communication.  Fallute for proxy within the set or calculated private from you fill proxy and will expire 3X (8) MONTHS from the mailing date of this communication.  Fallute for proxy within the set or calculated private from you fill proxy with the set or calculated private from your fill proxy.  Fallute for become ARAMONED (50 U.S.C. § 133).  Any reply received by the Office letter then filter more than a fill proxy with the set or calculation.  Fallute for become ARAMONED (50 U.S.C. § 133).  Any reply received by the Office letter then filter more than a fill proxy with the calculation.  Application is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1,2,4,5,7-24,26,28,29 and 32-51 is/are pending in the application.  4) Of the above claim(s) 5,7-24,26,32 and 34-51 is/are withdrawn from consideration.  5) Claim(s) 1,2,4,28 and 29 is/are rejected.  7) Claim(s) 1,2,4,28 and 29 is/are rejected.  7) Claim(s) 1,2,4,28 and 29 is/are rejected to 20 (20 (20 (20 (20 (20 (20 (20 (20 (20		ears on the cover sheet with the c	orrespondence addi	ress				
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## **DETAILED ACTION**

## Response to Arguments

1. Applicant's arguments, see page 2, filed 10/13/2005, with respect to claims 1 and 28 have been fully considered and are persuasive.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al. ("Okamoto") US PG-Pub 2002/0063826.

Okamoto discloses (see fig. 13, pars. 0161-0162 and par. 0177 and abstract) a liquid crystal display device having one polarizing plate 29 and having a normally closed display mode and being a reflection type device comprising: an upper substrate 34 and a lower substrate 33 disposed in a mutually facing relation; a liquid crystal layer 20 sandwiched between said upper substrate and said lower substrate having a twist angle which falls within the range recited in the claim; a light diffusive reflective electrode 36 having recesses and projections provided over said lower substrate; a phase plate 28 provided on an outer surface of said upper substrate; and wherein said one polarizing plate being provided on an outer surface of said phase plate. Given that all the recited elements of the device structure have been disclosed, the values of said recesses and projections and said birefringence could be easily obtained, yet Okomoto is silent in

regards to the product of a height of said recesses and projections and said birefringence.

However, one of ordinary skill in the art at the time the invention was made would have found it obvious to meet the recited product of a height of said recesses and projections said birefringence since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Furthermore, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

As for claim 4, Okamoto discloses (see par. 0039) phase plate having a slow axis azimuth which falls within the range recited in the claim.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Terashita et al. ("Terashita") US PG-Pub 2003/0058393.

Okomoto discloses (par. 0249 and abstract) the device structure as recited in the claim including a phase retardation value and a liquid crystal retardation value, but does not disclose an absorption axis.

Terashita discloses (pars. 0028-0031, 0100, par. 0273 and 0291) a liquid crystal display device having a normally closed display mode comprising a phase retardation value, a liquid crystal retardation value and a polarizing plate having an absorption axis value which fall within the range recited in the claim.

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Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate Terashita's teachings since that would provide a wide viewing angle as taught by Terashita.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto.

Okamoto discloses (see fig. 13, pars. 0161-0162 and par. 0177 and abstract) a method of fabricating a liquid crystal display device having one polarizing plate 29 and having a normally closed display mode and being a reflection type, said method comprising the steps of: providing an upper substrate 34 and a lower substrate 33 disposed in a mutually facing relation; providing a liquid crystal layer 20 sandwiched between said upper substrate and said lower substrate having a twist angle which falls within the range recited in the claim; providing a light diffusive reflective electrode 36 having recesses and projections provided over said lower substrate; providing a phase plate 28 provided on an outer surface of said upper substrate; wherein said one polarizing plate provided on an outer surface of said phase plate. Given that all the recited elements of the device structure have been disclosed, the values of said recesses and projections and said birefringence could be easily obtained, yet Okomoto is silent in regards to the product of a height of said recesses and projections and said birefringence. However, one of ordinary skill in the art at the time the invention was made would have found it obvious to meet the recited product of a height of said recesses and projections said birefringence since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Furthermore, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based

chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

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6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Terashita.

Okomoto discloses (par. 0249 and abstract) the a method of fabricating a device as recited in the claim including a phase retardation value and a liquid crystal retardation value, but does not disclose an absorption axis.

Terashita discloses (pars. 0028-0031, 0100, par. 0273 and 0291) a liquid crystal display device having a normally closed display mode comprising a phase retardation value, a liquid crystal retardation value and a polarizing plate having an absorption axis value which fall within the range recited in the claim.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate Terashita's teachings since that would provide a wide viewing angle as taught by Terashita.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer whose telephone number is (571) 272-1921.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ANS** December 24, 2004 NATHAN J. . ....